

This Page Is Inserted by IFW Operations
and is not a part of the Official Record

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images may include (but are not limited to):

- BLACK BORDERS
- TEXT CUT OFF AT TOP, BOTTOM OR SIDES
- FADED TEXT
- ILLEGIBLE TEXT
- SKEWED/SLANTED IMAGES
- COLORED PHOTOS
- BLACK OR VERY BLACK AND WHITE DARK PHOTOS
- GRAY SCALE DOCUMENTS

IMAGES ARE BEST AVAILABLE COPY.

**As rescanning documents *will not* correct images,
please do not report the images to the
Image Problem Mailbox.**

REMARKS

This Response is submitted in reply to the final Office Action dated March 7, 2003. Claims 1 to 4, 7, 9, 10, 12, 13, 15, 17, 19 to 23, 25 to 32, 34 and 35 were pending previously in this application. Claims 1, 17, 19, 20, 21, 22, 23, 31, 32, 34 and 35 are being amended herein. No new matter has been added.

A Request for Continued Examination is submitted herewith. A check in the amount of \$750.00 is submitted herewith to cover the cost of the RCE. Please charge deposit account No. 02-1818 for any additional payment deemed necessary.

In the Office Action, Claims 1 to 4, 7, 9 and 10, 12 and 13, 15, 17, 19 to 23, 25 to 32 and 34 to 35 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,823,873 to Moody ("Moody"). The amendments set forth herein further clarify the claims over *Moody* in combination with other elements by specifying that second sets of symbols replace the display of first sets of symbols. Additionally, each set of symbols is evaluated for gaming device wins before and after replacement of any symbols. In *Moody*, replacement cards are chosen to create a set of cards that is evaluated for a win, but the set of cards displayed before replacement of the symbols is not evaluated for a win. That is, in draw poker, the hand of cards dealt to the player prior to an exchange of a draw card is not evaluated for a gaming device win. It is only if the player elects not to draw a card that the gaming device evaluates the hand as originally dealt. That situation would not satisfy the "second set evaluations" set forth in the present claims.

The Office Action states at page 3 that in *Moody*, "multiple other hands" are created and evaluated along with "a first row of cards dealt to a player (generating a first set of symbols)". Those "multiple other hands" are displayed in addition to and not in place of the first row of cards. Indeed, the "displayed in place of" element of the claims as amended herein if employed in *Moody* would contradict the game of *Moody*, which requires multiple hands for the player to select keeper cards from the first hand to distribute to the other hands.

Turning to particular embodiments of *Moody*, Figs. 1 to 3 of *Moody* disclose a stud poker game indicated by line 20 operating alongside a draw poker game indicated by line 40. In Figs. 1 to 3, *Moody* provides two sets of symbols, modifies one of the sets

of symbols, and then evaluates the one set as modified and the other set as unmodified (i.e., one set as a draw poker game and the other set as a stud poker game, respectively). Even though symbols taken from the stud poker line 20 are employed in the draw poker line 40, *Moody* does not disclose the combination of elements of the present invention. In particular, the claims call for providing an award for each award-winning symbol combination appearing in the second set even if it appears in the first set.

Because the symbols of the second set of the present invention replace or are displayed in place of the symbols of the first set, a different dynamic is created than in the *Moody* game. For example, if the player of the present invention obtains two cherries before the first evaluation, the player wins an amount for those cherries. If the player obtains a third cherry between the first and second evaluations, the player wins an amount for two cherries, again, plus an amount for three cherries in the second evaluation. *Moody* does not operate that way. That is, *Moody* does not pay for the stud hand and then the stud hand again, plus an amount for the draw hand. *Moody* just pays the stud hand once and the draw hand once. This distinction was part of Applicants' arguments in the previous response of December 19, 2002, and those arguments are incorporated herein in addition to the additional elements added to the claims herein.

Figs. 4 to 16 in *Moody* illustrate the "Version II" or Super Poker games of *Moody*. Specifically, Figs. 4 to 16 illustrate games 2A to 2G. Each of those games is a draw poker type game, wherein the player is paid for a combination of symbols that appear after an initial set of symbols is modified to include a new set of symbols. The initial set is not evaluated. Of course, in draw poker the player can choose to keep the initially dealt hand, in which case the game pays the player once for the symbols as unmodified. In that case, however, the game does not perform a second evaluation after the player decides to keep each of the initially dealt cards. Also, there is no replacement of a set of symbols as included in the claims. Embodiments 2A to 2G of *Moody* do not therefore disclose, teach or suggest the claimed invention.

Versions 2I and 2J of *Moody* are not illustrated by the figures. Version 2I involves dealing three separate hands to the player face up. The player sees each card dealt and determines in each hand which cards to hold and which to discard. After

making the selection, the player hits a "deal" button and the game evaluates each row simultaneously. Here again, *Moody* does not disclose, teach or suggest dealing the player a hand of cards, awarding the player for each winning combination appearing in the originally dealt hand, replacing that hand of cards so it is no longer displayed with another set and then evaluating that other set.

Version 2J involves dealing five rows of cards, wherein the center row is face up. Each of the horizontal five rows is played in draw poker fashion. Since five rows of five cards are dealt, five vertical hands are formed additionally. Wherever a column of cards is left unchanged, *Moody* contemplates evaluating same on a stud poker basis. In sum, horizontally dealt hands are evaluated on a draw poker basis, while certain vertically dealt cards are evaluated on a stud poker basis. No set of cards that is evaluated for winning combinations is displaced by a replacement set that is in turn evaluated.

After the Version II games, *Moody* further discloses combining concepts of *Moody* with CARIBBEAN STUD POKER ®, LET IT RIDE ® and Texas Hold 'Em. Each of those combinations, as above, involves playing multiple poker games at once. *Moody* then discloses a game that combines Twenty-one with stud poker. In that embodiment, cards that are dealt either to the dealer or the player for Twenty-one are evaluated afterward for a stud poker payout. For the same reasons discussed above, none of those embodiments disclose, teach or suggest the elements of the amended claims.

For the above reasons, Applicants respectively submit that amended Claims 1, 17, 23, 31, 32, 34 and 35 and Claims 2 to 4, 7, 9, 10, 12, 13, 15, 19 to 22 and 25 to 30 that depend respectively from various ones of those independent claims are each structurally different, patentable and allowable over *Moody*.

Please note that dependent Claims 19 to 22 have been amended to make the language in those claims consistent with their respective base claim. Those amendments are non-narrowing and disclaim no subject matter.

An earnest endeavor has been made to place this application in condition for formal allowance and in the absence of more pertinent art such action is courteously solicited. If the Examiner has any questions regarding this Response, Applicants

respectfully request that the Examiner contact the Applicants' attorney, Adam Masia, at (312) 807-4284 to discuss this Response.

Attached hereto is a marked-up version of the changes made to the specification and Claims by the current Reply. The attached page is captioned "Versions with Markings to Show Changes Made."

Respectfully submitted,

BELL, BOYD & LLOYD LLC

BY *Adam H. Masia*
Adam H. Masia
Reg. No. 35,602
P.O. Box 1135
Chicago, Illinois 60690-1135
Phone: (312) 807-4214

In the Claims:

Claim 1 has been amended as follows:

1. (Four Times Amended) A method for operating a slot machine including a plurality of symbols, said method comprising the steps of:

- (a) maintaining a list of award-yielding symbol combinations of said plurality of symbols in a controller;
- (b) randomly generating on a plurality of paylines a first set of the symbols from the plurality of symbols;
- (c) providing an award for each award-yielding symbol combination appearing in said first set on any of the paylines before any said symbol can be replaced;
- (d) selecting at least one but not all of the symbols in the first set for individual replacement and individually replacing each said selected symbol in the first set with one of the plurality of symbols to generate a second set of the symbols, the second set of symbols displayed in place of the first set of symbols; and
- (e) providing an award for each award-yielding symbol combination appearing in said second set on any of the paylines ~~regardless of whether even if~~ said award yielding symbol combination in the second set appeared in the first set.

Claim 17 has been amended as follows:

17. (Four Times Amended) A method for operating a gaming device including a plurality of symbols, said method comprising the steps of:

- (a) maintaining in a controller of said gaming device a list of award yielding symbol combinations of said plurality of symbols;
- (b) generating a first set of said symbols, wherein one of said symbols in said first set is a first wild symbol;
- (c) providing an award for each award yielding symbol combination appearing in said first set including any award yielding symbol combinations including that include the generated first wild symbol which functions, the first wild symbol functioning as one of the other symbols to maximize the award yielding combinations;
- (d) selecting at least one but not all of the symbols in the first set except for the first wild symbol in the set for individual replacement and individually replacing each said selected symbol with a second wild symbol to create a second set of symbols that is displayed in place of the first set of symbols; and
- (e) providing an award for each award yielding symbol combination appearing in said second set including any award yielding symbol combinations including that include the first and second wild symbols which, wherein the second wild symbol replaces another symbols and each of the first and second wild symbols function as one of the symbols to maximize the award yielding symbol combinations.

Claim 19 has been amended as follows:

19. (Twice Amended) The method of Claim 17, wherein the gaming device is a slot machine including a plurality of reels having said symbols thereon, and the step of individually replacing each selected symbol in the first set includes substituting a wild symbol for at least one selected symbol on the reel which includes said generated wild symbol.

Claim 20 has been amended as follows:

20. (Twice Amended) The method of Claim 17, wherein the gaming device is a slot machine including a plurality of reels having said symbols thereon, and the step of individually replacing each selected symbol in the first set includes substituting a wild symbol for at least one symbol of one row of symbols on the reels, wherein said row which includes said generated wild symbol.

Claim 21 has been amended as follows:

21. (Twice Amended) The method of Claim 17, wherein the gaming device is a slot machine including a plurality of reels having said symbols thereon, and the step of individually replacing each selected symbol in the first set includes substituting a wild symbol for at least one symbol on one of the reels and at least one symbol on one of the rows of symbols on the reels, wherein said reel and said row include said generated wild symbol.

Claim 22 has been amended as follows:

22. (Twice Amended) The method of Claim 17, wherein the gaming device is a slot machine including a plurality of reels having said symbols thereon, and the step of individually replacing each selected symbol in the first set includes substituting a wild symbol for at least one other predetermined generated symbol.

Claim 23 has been amended as follows:

23. (Twice Amended) A method for operating a gaming device including a plurality of playing cards, said method comprising the steps of:

- (a) maintaining in a controller of said gaming device a list of award yielding playing card combinations;
- (b) generating a first set of playing cards, wherein one of said playing cards in said set is a wild card;
- (c) providing an award for each award yielding playing card combination appearing in said first set including said generated wildcard which functions as one of the cards to maximize the award yielding combinations is said first set;
- (d) selecting at least one but not all of the cards in the first set except for said wildcard for individual replacement and individually replacing each said selected playing card with another wildcard to create a second set of symbols that is displayed in place of the first set; and
- (e) providing an award for each award yielding playing card combination in said second set including the wildcards which function as one of the playing cards to maximize the award yielding combinations.

Claim 31 has been amended as follows:

31. (Four Times Amended) A method for determining an award in a slot machine including a plurality of symbols and a plurality of award yielding combinations of said symbols, said method comprising the steps of:

- (a) randomly generating on a plurality of paylines a first set of said symbols;
- (b) providing a player an award for each award yielding symbol combination appearing in said first set on any of said paylines;
- (c) selecting at least one but not all of the symbols in said first set for individual replacement and individually replacing each said selected symbol with one of the symbols to create a second set of symbols that is displayed in place of the first set of symbols; and
- (d) providing an award for each award yielding symbol combination appearing in said second set on any of said paylines including all award yielding symbol combinations in the second set ~~regardless of whether even if~~ an award was provided for such award yielding combinations in the first set.

Claim 32 has been amended as follows:

32. (Amended) A method for operating a gaming device including a plurality of symbols and a plurality of award yielding combinations of said symbols, said method comprising the steps of:

- (a) generating a first set of said symbols, wherein one of said symbols in said set is a first wild symbol;
- (b) providing an award for each award yielding symbol combination appearing in said first set, wherein said wild symbol functions as one of the symbols to maximize the award yielding symbol combination combinations in said first set;
- (c) individually substituting a second wild symbol for at least one but not all of the symbols in said first set except for said first wild symbol to create a second set of symbols that is displayed in place of the first set of symbols; and
- (d) providing an award for each award yielding symbol combination appearing in said second set, including each award yielding combination including said wild symbols and wherein each wild symbol functions as one of said symbols to maximize the award yielding symbol combination combinations in said second set.

Claim 34 has been amended as follows:

34. (Three times Amended) A slot machine comprising:
a plurality of reels and a plurality of paylines with the reels;
a plurality of symbols on said reels, said symbols including a wild symbol;
a plurality of symbol combinations that each yield an award if generated by said reels; and
a processor which controls said reels, wherein said processor: (i) causes the reels to generate a first set of said symbols along the paylines; (ii) provides an award for each award yielding symbol combination in said first set on any of the paylines, said wild symbol functions functioning as at least one other non-wild symbol; (iii) substitutes another one of the non-wild symbols in said first set with another wild symbol to create a second set of symbols that is displayed in place of the first set of symbols; and (iv) provides an award for each award yielding symbol combination in said second set on any of the paylines, regardless of whether the combination includes a wild symbol, wherein each wild symbol functions as at least one other non-wild symbol.

Claim 35 has been amended as follows:

35. (Twice Amended) A gaming device comprising:
a processor;
a memory device which maintains a plurality of symbols and a plurality of award yielding symbol combinations, wherein the processor communicates with the memory device to:
generate a first set of symbols, wherein one of said symbols is a first wild symbol;
provide an award for each award yielding symbol combination appearing in said first set, wherein said first wild symbol functions as one of the symbols;
individually substitute a second wild symbol for at least one but not all other non-wild symbols in said first set to create a second set of symbols that is displayed in place of the first set of symbols; and
provide an award for each award yielding symbol combination appearing in said second set, wherein each wild symbol including the first and second wild symbols function as one of the symbols.